

1 ERSKINE & TULLEY
2 A PROFESSIONAL CORPORATION
3 MICHAEL J. CARROLL (St. Bar #50246)
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3 San Francisco, CA 94104
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4 Attorneys for Plaintiff

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 BOARD OF TRUSTEE OF THE NORTHERN) NO. C 07 4133 EMC
11 CALIFORNIA FLOOR COVERING, et al.)
12 Plaintiff,) DECLARATION OF ATTORNEY
13) MICHAEL J. CARROLL IN
14 vs.) SUPPORT OF PLAINTIFF'S
15 CONCRETE SURFACE MASTERS, etc.) EX PARTE APPLICATION FOR
16 Defendant.) ORDER TO CONTINUE CASE
17) MANAGEMENT CONFERENCE
18 _____

19 I, MICHAEL J. CARROLL, certify:

20 1. I am an attorney with the law firm of Erskine &
21 Tulley, A Professional Corporation, attorneys for plaintiff, BOARD
22 OF TRUSTEES OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY
23 WELFARE FUND; STEVE HAVENS, TRUSTEE, in this action. I am duly
24 admitted to practice law in the United States District Court,
Northern District of California. If called as a witness, I could and
would competently testify as follows:

25 2. Service was accomplished upon the only party in this
26 case on September 21, 2007. No responsive pleading was filed.

27 3. Substantial payments were just received in the amount
28 of \$25,000.00 and plaintiffs are awaiting an allocation from the

1 client.

2 4. It is requested that the Court continue the Case
3 Management Conference 30 days, to February 27, 2008, to provide time
4 to see if we can settle by ourselves.

5 5. Good cause exists to grant plaintiff's request for a
6 continuance of the Case Management Conference currently set for
7 January 16, 2008 to February 27, 2008.

8 I declare under penalty of perjury that the foregoing is
9 true and correct to the best of my knowledge.

10 Executed on January 8, 2008 at San Francisco, California.

11 /s/ Michael J. Carroll
12 Michael J. Carroll

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1 PROOF OF SERVICE BY MAIL

2 I am a citizen of the United States and employed in the City and
3 County of San Francisco, California. I am over the age of eighteen
4 years and not a party to the within above entitled action; my
5 business address is 220 Montgomery Street, Suite 303, San Francisco,
6 CA 94104. On January 8, 2008 I served the within DECLARATION OF
7 ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF EX PARTE APPLICATION FOR
8 ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said
9 action, by placing a true copy thereof enclosed in a sealed envelope
10 with postage thereon fully prepaid, in the United States post office
11 mail box at San Francisco, CA, addressed as follows:

12 Tom Anthony
13 Concrete Surface Masters
14 1435 Koll Circle #107
15 San Jose, CA 95112

16 I, SHARON EASTMAN, certify (or declare), under penalty of perjury
17 that the foregoing is true and correct.

18 Executed on January 8, 2008 at San Francisco, CA.

19 /s/Sharon Eastman
20 Sharon Eastman

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